

FILED
IN CLERKS OFFICE

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS 2004 SEP 23 P 2:36

UNITED STATES OF AMERICA

vs.

EDWIN RODRIGUEZ ET. AL.

U.S. DISTRICT COURT
DISTRICT OF MASS.

Cr. 04-01671-NG

MOTION TO STRIKE

Now comes the defendant, Edwin Rodriguez, and moves to strike as surplusage paragraphs 1 and 3 in the NOTICE OF ADDITIONAL FACTS, which was added to the original indictment, and are set forth on page 4 of the superseding indictment. The defendant relies on the Memorandum of Law filed herewith in support of this motion.

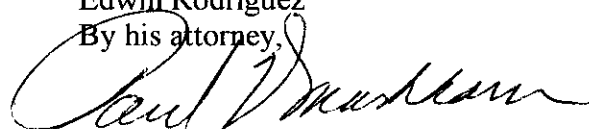
REQUEST FOR ORAL ARGUMENT

It is respectfully requested that the Court hear oral argument on this motion as oral argument will assist the Court.

Respectfully submitted

Edwin Rodriguez

By his attorney,



Paul F. Markham

PO Box 1101

Melrose, MA 02176

781-665-1800

B.B.O. 3208

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon the attorney of record for each party by mail; by hand.

Date: 9/23/04

